

**DEC 15 2005****CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS****NOT FOR PUBLICATION****UNITED STATES COURT OF APPEALS****FOR THE NINTH CIRCUIT****UNITED STATES OF AMERICA,****Plaintiff - Appellee,****v.****EVELYN CUIZON RELATOS,****Defendant - Appellant.****No. 04-55958****D.C. Nos. CV-04-03979-GAF  
CR-00-01160-GAF-04****ORDER\***

**Appeal from the United States District Court  
for the Central District of California  
Gary A. Feess, District Judge, Presiding**

**Argued and Submitted December 7, 2005  
Pasadena, California**

**Before: BEEZER, HALL, and WARDLAW, Circuit Judges.**

**We affirm the district court's denial of Relatos's 28 U.S.C. § 2255 motion.**

**The motion was not filed within the one-year limitations period and is therefore untimely. 28 U.S.C. § 2255. Furthermore, Relatos's argument for equitable tolling of the limitations period fails because she has not shown that "extraordinary**

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**\* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.**

circumstances beyond [her] control” precluded her from timely filing her § 2255 motion. *See United States v. Battles*, 362 F.3d 1195, 1197 (9th Cir. 2004).

Because Relatos’s motion was untimely filed, we do not reach the merits of her ineffective assistance of counsel claim.

**AFFIRMED.**